REMARKS

Claims 1-10, 13-29, 31-3, 70, and 73-89 are pending. Claims 11, 12, 30, 38-69, 71, 72, and 90-99 are currently canceled. Claims 70, 73, 77, 81, 83, 84, 86, and 88 are currently amended. Reconsideration of the application is requested.

Election/Restriction

Applicants acknowledge that the restriction requirement of claims 70-89 has been withdrawn. Accordingly, Applicants have changed the status identifiers of these claims from “Withdrawn” to “Original” and “Currently amended”. .

Rejections Under 35 USC § 103(a)

Claims 70-73 and 75-78 are rejected under 35 USC §103(a) as being unpatentable over Li et al. (US 6,066,126) in view of Bosley, Jr. et al. (US 5,081,997).

Independent claim 70 has been amended to make clear that the radiopaque and echogenic material is singly jet milled tungsten carbide particles within a polymeric material.

The Examiner relies upon Bosley, Jr. et al. for a device that is both radiopaque and echogenic. However, Bosley achieves that objective by the use of glass spheres for echogenicity and, in addition, finely ground tungsten powder for radiopacity.

Additionally, the Examiner states that Bosley, Jr. et al. teach using tungsten particles and that it would have been obvious to use a salt from, such as tungsten carbide since it is well known to use radiopaque particles in their salt form.

First, tungsten carbide is not a salt of tungsten. A salt is a resultant composition formed from a reaction of an acid with a base

(Chemistry.about.com). Tungsten carbide is typically made from reacting tungsten metal with carbon at a temperature of from 1400 to 2000 C.

Second, the Examiner simply states that it is "well known" to use radiopaque particles in their salt form. However, the Examiner provides no evidence that such is the case. For example, none of the cited references mention "salts" of radiopaque materials.

Last, Bosley, Jr. et al. dose not contemplate the material tungsten carbide. Bosley, Jr. et al mentions metals including barium and tungsten.

For these reasons, the above combination of references does not disclose or suggest the catheter as now claimed. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 1-10, 13, 36, and 70-73 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257).

There is agreement that the primary reference Cho, although disclosing a guide catheter, fails to disclose a distal tip that is both radio-opaque and echogenic.

Stoy et al. is relied upon for disclosing the use of tungsten (metal) particles in plastic materials to render the plastic material radiopaque. The Examiner then states again that it is "well known" to use radiopaque particles in their salt form without providing any evidence. Hibbs et al. also does not disclose the use of tungsten carbide in a catheter to make the catheter both radiopaque and echogenic.

None of the above cited references disclose or suggest the use of tungsten carbide particles within a catheter nor mention that "salts" of radiopaque materiuals could be used. For at least these reasons, the above combination of refernces do not disclose or suggest the claimed catheters. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 14, 23, 24, 31-35, 37, 74, 83, and 84 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257) in further view of Wijayarathna et al. (US 4,563,181).

The combination of Cho, Stoy et al, and Hibbs et al. has been discussed above. Wijayarathna et al. was relied upon for disclosing a tapered tip portion. Thus, Wijayarathna et al. adds nothing o the teachings missing from Cho, Stoy et al, and Hibbs et al., that is, the use of tungsten carbide particles in a catheter. . For at least these reasons, the above combination of references do not disclose or suggest the claimed catheters. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 15-18 and 75-78 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257) in further view of Li et al.

All of these references have been discussed in this Response. None of these references disclose or suggest the use of tungsten carbide particles in a catheter to make the catheter both radiopaque and echogenic.

For at least this reason, the above combination of references do not disclose or suggest the claimed catheters. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 17, 19, 20, 77, 79, and 80 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257) in further view of Rickerd (US 5,322,509).

The combination of Cho, Stoy et al, and Hibbs et al. has been discussed above. Rickerd was cited for suggesting curve angles for the curves made by the catheter in use. Rickerd adds nothing o the teachings missing from Cho, Stoy et al, and Hibbs et al., that is, the use of tungsten carbide particles in a catheter. For at least this reason, the above combination of references do not disclose or suggest the claimed catheters. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 17, 20-24, 26, 28, 77, 80-84, 86, and 88 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257) in further view of Tanaka et al. (US 6,039,723).

The combination of Cho, Stoy et al, and Hibbs et al. has been discussed above. Tanaka et al was cited for disclosing pre-formed curves. Tanaka et al is silent with regard to tungsten carbide particles. For at least this reason, the above combination of references do not disclose or suggest the claimed catheters. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 17, 24-27, 77, and 84-87 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257) in further view of Lentz (US 6,022,341).

The combination of Cho, Stoy et al, and Hibbs et al. has been discussed above. Lentz was cited for disclosing pre-formed curves. Lentz is silent with regard to tungsten carbide particles. For at least this reason, the above combination of references do not disclose or suggest the claimed catheters. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

Claims 21, 28, 29, 81, 88, and 89 are rejected under 35 USC §103(a) as being unpatentable over Cho (US 5,109,830) in view of Stoy et al. (US 5,368,048) and Hibbs et al. (US 4,950,257) in further view of Lentz (US 6,022,341) in further view of Tanaka et al.

All of these references in combination have been discussed above in this Response. And, none of these references alone or in combination suggest the claimed catheters employing tungsten carbide particles. Accordingly, Applicants respectfully request that the above rejection be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application as amended is requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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/Scott A. Bardell/
Scott A. Bardell
Reg. No. 39,594
Telephone: (763) 526-1640
Customer No. 27581